

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LG PHILIPS LCD CO., LTD.,

Plaintiff,

v.

C.A. NO. 04-343-JJF

TATUNG CO., TATUNG COMPANY OF
AMERICA, INC.; AND VIEWSONIC
CORPORATION

Defendants

**ORDER REGARDING CERTAIN MOTIONS AS BETWEEN
LG PHILIPS LCD CO., LTD AND VIEWSONIC CORPORATION**

WHEREAS, the Court has directed the undersigned Special Master to hear certain disputes as between LG Philips LCD Co., Ltd., (“LPL”) and ViewSonic Corporation (“ViewSonic”); and

WHEREAS, these disputes include the following:

- ViewSonic’s pending Motion for Leave to File Amended Complaint (D.I. 791);
- Competing Motions to Dismiss to be filed by LPL and ViewSonic;
- ViewSonic’s Motion pertaining to the Fed. R. Civ. P. 30(b)(6) depositions of LPL previously scheduled to have commenced on September 19 and October 10, 2007;
- ViewSonic’s Motion to have the case declared an exceptional case and for an award of attorneys’ fees and costs pursuant to 35 U.S.C. § 285; and
- Motions for additional discovery and/or evidentiary hearing related to matters associated with the above identified Motions.

WHEREAS, after the parties had an opportunity to meet and confer, the Special Master in a teleconference on October 24, 2007 determined that ViewSonic’s pending Motion to Amend (D.I. 791) and the referenced competing Motions to Dismiss should be heard and decided by the Special Master before briefing commences on other issues;

WHEREAS, counsel for and on behalf of LPL and ViewSonic have agreed to the following schedule as well as to the triggering of the time within which to file Fed. R. Civ. P. 53(g)(2) objections to any Report and Recommendation on ViewSonic's Motion to dismiss and/or the competing Motions to Dismiss;

NOW THEREFORE in order to resolve the referenced issues, IT IS HEREBY ORDERED SUBJECT TO APPROVAL OF THE COURT as follows:

1. On November 5, 2007, LPL and ViewSonic shall file and serve their respective Motions to Dismiss, opening briefs and other papers, if any, in support thereof. The motions should include whether or not the case should be dismissed "with" or "without prejudice" and what effect the determination will have on the issue of "prevailing party" status. Opening briefs may be no longer than twenty pages in standard format.
2. Not later than November 9, 2007, ViewSonic shall file and serve any reply brief on its pending motion to amend (D.I. 791).
3. On November 13, 2007, LPL and ViewSonic shall file and serve their respective answering briefs and other papers, if any, in opposition to the Motions to Dismiss. Answering briefs may be no longer than ten pages in standard format.
4. No later than November 15, 2007, by 5:00 p.m. EST, LPL and ViewSonic shall file and serve their respective reply briefs and other papers, if any, in support of their Motions to Dismiss. Reply briefs may be no longer than five pages in standard format.
5. The Special Master will hold a telephonic hearing on ViewSonic's Motion to Amend and on the competing Motions to Dismiss on November 28, 2007, beginning at 1:00 p.m. EST.
6. If able to do so, the Special Master will rule on the Motions heard during the November 28 teleconference. If the Special Master determines that additional deliberative time

is needed after the hearing, the Special Master will make every effort to decide these Motions not later than December 7, 2007.

7. Any decision or Report and Recommendation of the Special Master on these Motions shall be deemed "preliminary." The time for filing any objections pursuant to Fed. R. Civ. P. 53(g)(2) shall not start to run until the Special Master designates any decision or Report and Recommendations thereon as "final." In any event, any "preliminary" Report and Recommendation will become final at the earlier of these dates: (i) the Special Master determines the remainder of the motions; or (ii) the Special Master determines that the decision on the competing Motions to Dismiss would preclude the filing of a Motion pursuant to 35 U.S.C. § 285.

8. The parties are to meet and confer and report back to the Special Mater no later than Monday, November 5, 2007, as to proposed dates for the filing, briefing and hearing of the remaining Motions referenced herein.

The Special Master HEREBY RECOMMENDS THAT THE COURT ADOPT THIS ORDER.

ENTERED THIS 31st DAY OF October, 2007.

A handwritten signature in black ink, appearing to read 'Vincent J. Poppiti', is written over a horizontal line.

Vincent J. Poppiti (DSBA No. 100641)
Special Master

SO ORDERED.

The Hon. Joseph J. Farnan, Jr.
United States District Court